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STRENGTHENING OF THE COORDINATION OF HUMANITARIAN AND DISASTER RELIEF ASSISTANCE OF THE UNITED NATIONS, INCLUDING SPECIAL ECONOMIC ASSISTANCE
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-third year

Identical letters dated 4 July 1998 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the General Assembly and to the President of the Security Council

Upon instructions from my Government, I have the honour to transmit to you a statement issued on 3 July 1998 by the Ministry of Foreign Affairs of the State of Eritrea concerning the inhuman treatment by the Ethiopian Government of Eritrean nationals living in Ethiopia (see annex).

I should be grateful if you would kindly circulate the present letter and its annex as a document of the fifty-second session of the General Assembly under agenda items 20, 107 and 112, and of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

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ANNEX

Statement issued at Asmara on 3 July 1998 by the Ministry of Foreign Affairs of Eritrea

Ethiopia's gross violations of the human rights of Eritreans living in Ethiopia

1. In mid-May 1998, Ethiopia unleashed a war of aggression against Eritrea. Almost immediately thereafter, the Ethiopian Government started to violate systematically the human rights of peaceful Eritrean civilians living in Ethiopia in contravention of the basic provisions of all international agreements, conventions and declarations on human rights and in total disregard of the basic precepts of civilized international behaviour. These acts are continuing.

2. It has thus become incumbent on the Government of Eritrea to draw the attention of the international community to the plight of most Eritreans living in Ethiopia and the danger posed by these unwarranted and inhuman acts by the Ethiopian Government to stability and security in our region. The Eritrean Government wishes in particular to bring to the attention of the world the following flagrant human rights violations that are being routinely committed by the Ethiopian Government.

A. Expulsion

3. All States are required to respect and to ensure to all individuals - including aliens - living in their territories and subject to their jurisdiction the rights recognized in the Universal Declaration of Human Rights and other international instruments. Most of these instruments prohibit the collective expulsion of aliens.

4. Yet the Government of Ethiopia has embarked upon a policy of mass expulsion of Eritreans in total disregard of its international obligations. To date, it has collectively expelled about six thousand (6,000) Eritreans and there seems to be no indication that it will discontinue its policy in the near future.

5. These deportees did not have any chance to contact their family members or friends, since they were suddenly and unexpectedly apprehended from mosques, schools, offices and the streets without any warrant and hauled to detention centres with only the clothes they were wearing. They were then crammed into ill-fitted buses without toilets, where they spent more than three (3) days and nights, without water and much-needed medical attention.

6. Most of the deportees are elderly. Seventy per cent (70%) are fifty (50) years or older. Several are septuagenarians and octogenarians. Sixty per cent (60%) had lived in Ethiopia for between twenty five (25) to sixty (60) years. Some were born in Ethiopia. Some are of mixed (Ethiopian-Eritrean) parentage. Fifteen per cent (15%) are women. Fifty per cent (50%) are professionals who had served Ethiopia and its people in both the public and private sectors. A few are single parents who have been forced to leave behind babies and other

minors without making any arrangements for their care. None of these people could, by any stretch of the imagination, be considered a threat to the security of the Ethiopian State.

B. Arbitrary arrests and imprisonment

7. It is a basic principle of international law and practice that no one shall be subject to arbitrary arrest or imprisonment. Once a person is deprived of his/her liberty, the law requires that he/she shall be treated with humanity and with respect for the inherent dignity of the human person and that he/she shall not be subjected to cruel and inhuman treatment or torture.

8. Yet the Ethiopian Government is indiscriminately arresting Eritreans, including school-children, all over Ethiopia, without any declaration of a state of emergency or notification of its actions to either the Organization of African Unity or the United Nations as it is required to do by international conventions which it has signed. These Eritreans are languishing in wretched and unhealthy detention centres in all parts of Ethiopia, including Addis Ababa, Fiche, Humera and Mekele. In the Fiche camp only, there are at least 1,000 Eritrean youths, including about eighty (80) students enrolled at Addis Ababa University on an educational exchange programme.

9. Most of the detention centres are concentration camps. In Humera, fifty (50) to sixty (60) detainees are crammed into dark containers (which are about twenty (20) cubic metres in size) or in equally small and unlighted cells. They are denied food and water and basic sanitation needs, including visits to toilets. They have been denied any communication either with relatives or legal representatives who may not know their whereabouts. Some have been tortured or subjected to inhuman treatment which violated their physical, mental and moral integrity.

C. Internal refugees (displaced persons)

10. The violence and destruction inflicted upon the Eritrean people by the Ethiopian Government has not only been limited to those residing in Ethiopia. Ethiopian aggression has also displaced tens of thousands of Eritreans from their villages and other domiciles, thereby causing extensive social disruption and economic damage. They need urgent food and medical assistance. Their need for shelter, food and medicine has already strained government resources.

11. There is no denial that any State can, under certain circumstances, impose restrictions on the political activities of aliens, as long as the measures it takes do not violate international law or practice. It is also acceptable that any country which is at war or in imminent danger of its independence or security being threatened may declare a state of emergency and may thus take measures derogating from its obligations under international conventions it has adhered to, as long as they are limited to actions necessitated by the exigencies of the situation. Even then, it is under a legal obligation to follow universally accepted and strictly applied procedures and to make sure that its actions are not inconsistent with its other obligations under international law. Surely, Ethiopia's actions are not covered by these

provisions, since no derogation is permitted from, inter alia, respect for the right to life, security of person and recognition as a person before the law.

12. It is also recognized that any person whose rights or freedoms are protected by international conventions and agreements shall have an effective remedy as well as an enforceable right to compensation, notwithstanding the fact that the violations have been committed by persons in an official capacity.

13. Finally, the Government of Eritrea is convinced that it is the duty of all States to contribute to the respect, promotion and protection of these essential rights of human beings by raising their voice, and by acting with commitment, when they are systematically subverted by any member of the community of nations. Accordingly, it requests members of the international community, inter alia, to:

- Denounce Ethiopia's gross violation of the basic human rights of the Eritrean people under its jurisdiction and to call emphatically for the immediate cessation of its hostile and unlawful acts;

- Demand the unconditional release of all detainees;

- Arrange for the early reunion of divided Eritrean families and to evacuate them by the safest means of transport possible, including airlifts;

- Ensure the protection of Eritrean property and means of livelihood in Ethiopia and/or to secure commensurate compensation for expropriated property and means of livelihood;

- Provide adequate assistance to Eritrean detainees, deportees and displaced persons.

14. It is to be noted that the Eritrean Government has, since the beginning of the dispute, scrupulously respected the human rights of Ethiopian citizens living in Eritrea. It will continue to do so. It has not and will not put civilian Ethiopians living in Eritrea in detention camps. It has not deported them. It has not taken action that will violate their physical, mental and moral integrity. It shall allow them to live in Eritrea as peaceably as they have done in the past. The Eritrean Government makes this undertaking to the world.

In this connection, the National Assembly of Eritrea, meeting in its eleventh session on 26 June 1998 declared that "the Eritrean Government has not, and will not, take any hostile action against Ethiopians residing in the country. Their right to live and work in peace is guaranteed. If this right is infringed under any circumstances or by any institution, they have the full right of redress".

To this end, the Government of Eritrea invites all interested Governments and organizations to visit Eritrea and independently to verify for themselves the situation in which Ethiopians living in Eritrea find themselves.

15. The Government of Eritrea also seizes this opportunity to reaffirm to the international community its firm commitment to the peaceful and legal resolution of the conflict and to the restoration of the amicable and harmonious relations that existed between the people of the two countries prior to the outbreak of hostilities.